



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 25, 2005

SUBJECT: **2005-0335 – School of Choice** [Applicant] **Santa Clara Unified School District** [Owner]: Application on a 71 acre site located at **1095 Dunford Way** (near Teal Drive) in a P-F (Public Facility) Zoning District. (APN: 313-10-004)

Action Use Permit to allow school uses and a church in three rooms totaling 4,100 sq. ft. at the old Patrick Henry school site.

REPORT IN BRIEF

Existing Site Conditions Various Educational Uses at Former Public Intermediate School Site

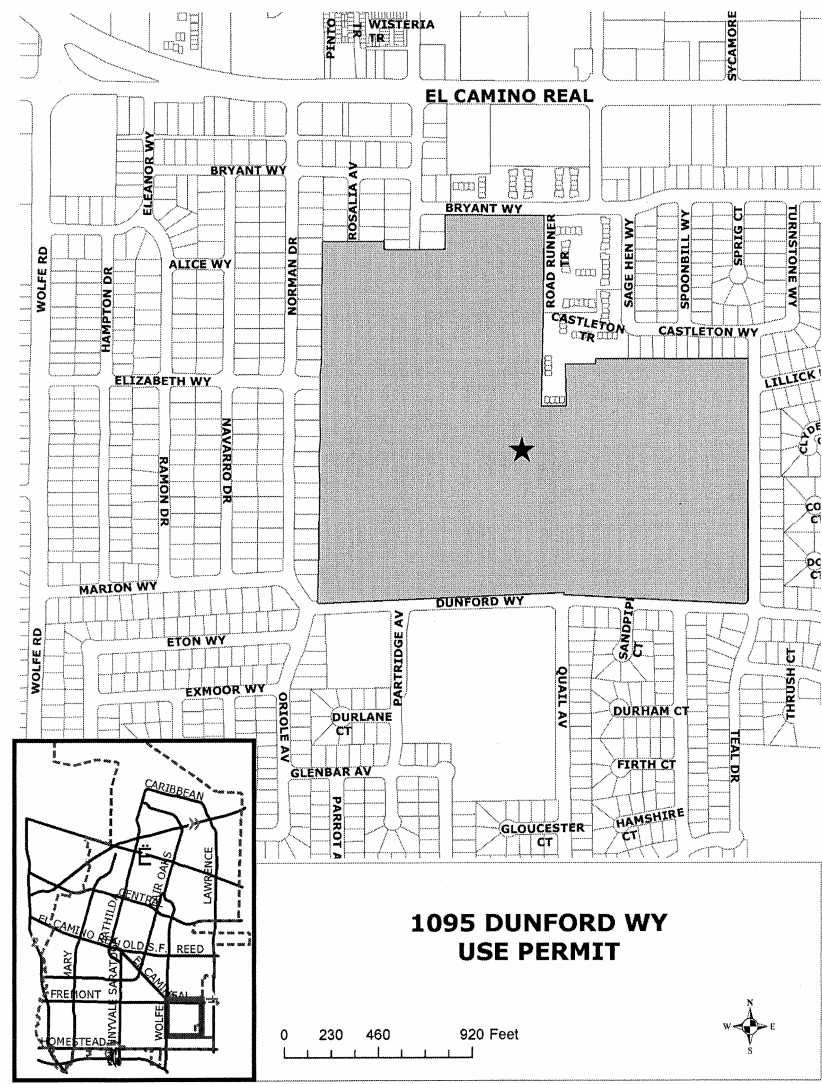
Surrounding Land Uses

North	Single & Multi Family Residential
South	Single Family Residential & Raynor Park
East	Single Family Residential
West	Peterson Middle School Site & Single Family Residential

Issues Parking, Compatibility of Use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	School	Same	School
Zoning District	PF	Same	PF
Entire Peterson Campus Lot Size (s.f./acres)	3,092,760 s.f./ 71 acres	Same	None
Former Patrick Henry School Site Lot Size (s.f./acres)	1,042,190 s.f. 23.9 acres	Same	None
Gross Floor Area of Tenant	4,100	N/A	N/A
Lot Coverage (%)	14%	Same	40% max.
Floor Area Ratio (FAR)	14%	Same	No max.
No. of Buildings On-Site	8	Same	N/A
No. of Stories	1	Same	2 max.
Landscaping (sq. ft.)			
• Total Landscaping	547,500 (52%)	Same	20% min.
• Frontage Width (ft.)	63	Same	15 ft. min.
• Landscaping Buffer (ft.)	650	Same	10 ft. min.
Parking			
• Total Spaces	260	Same	min.
• Standard Spaces	253	Same	min.
• Accessible Spaces	7	Same	7 min.

ANALYSIS**Description of Proposed Project**

The proposed project is for new private school uses and a church use within three rooms of two buildings at the former Patrick Henry School site. The new educational uses would replace rooms that were formerly utilized by the "Continuation School". This particular proposal requires a Use Permit review

due to the church use as determined by Sunnyvale Municipal Code Section 19.24.030.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0606	Private School and Day Care (100 Students)	Administrative / Approved	9/10/03
2003-0622	Miscellaneous Plan Permit to All Private Elementary/Child Care (30 Students)	Staff / Approved	8/28/03
2001-0097	Use Permit for Temporary Trailer	Administrative / Approved	3/28/01
1996-0439	Miscellaneous Plan Permit	Staff / Approved	7/10/96
1992-0238	Use Permit to Allow Trailers For Care Takers	Administrative / Approved	10/26/92

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use to existing facilities.

Use Permit

Detailed Description of Use: The proposed school and church uses would operate at various times of the week. The School of Choice, which includes 6-12th grade students, would operate during the weekdays from 8:30am to 3:00pm. The Dynasty Academy (10 students, ages 7-9 years old) would operate between 3:30 and 6:00pm during weekdays. A pre-school (28 students) would operate between 8:00am and 5:00pm. The Gospel Church would utilize a room Sundays and during the evening hours of the week. More information is provided in the parking section related to the various demands of the site.

A pre-school (Monticello) use that was approved by Administrative Hearing in 2003 no longer operates at the site. Additionally, the "Continuation School" and District Office use that was noted with the previous permit no longer occupies the site. The applicant has also noted that the "SaberCats" football team would no longer lease area on the school property after June of this year. Staff has received inquiries regarding possible future uses of the site. Planning

staff will review each of these proposals through the appropriate permit process and determine the parking conditions of the site separately.

Site Layout: The proposed site is the former Patrick Henry School site which is located adjacent to the Peterson Middle School site. The school site is made up of eight different buildings, athletic fields and parking lots. The proposed use would utilize two rooms (4,100 square feet) in Building D and one room of Building E, as noted on the site plan (See Attachment C). Each of these rooms will be utilized as a classroom. The church would utilize Building D for services on Sundays. The applicant is proposing no changes to the site layout in conjunction with this permit. Possible interior modifications may be required to be reviewed through the building permit process.

Architecture: There are no proposed modifications to the architecture of the existing buildings.

Landscaping: The site meets landscaping standards as noted in the "Data Chart" with approximately 547,500 square feet landscaping. There are no proposed removals of trees or other changes to the existing landscaping on site.

Parking/Circulation: The existing site contains 260 parking spaces, including seven handicap accessible spaces. As noted previously, there are multiple uses occupying the site. The applicant has provided a detailed description of the uses and expected demand on parking based on the needs of each school. However; Sunnyvale Municipal Code Section 19.46 requires the allotment of parking based on certain ratios depending on the type of school. Consistent with previous permits on the site, the required parking for the site is determined by the considering the total uses on-site and the various peak times of operation.

During the weekdays, there are various tenants that utilize the site. See Attachment E for an hourly breakdown of weekday on-site parking requirements for the site. The following chart indicates the maximum weekday parking spaces during peak hours of the site:

Table 1 Former Patrick Henry School Site Peak Use Weekday Site Parking Analysis				
Type of Use/Building	Square footage	Number of Employees and Class Rooms	Parking Ratio	Number of Required Spaces
Appleseed Pre-School Bldg. H	9,922 s.f.	35 employees/ 250 students	1 per employee + 1 space per 14 students	53
Silicon Valley Muslim School Pre-8th Bldg. C	12,080 s.f.	Pre-K: 10 students/2 employees + K-8: 55 students/12 employees + 9 classrooms	Pre-K: 1 per employee + 1 space per 14 students + K-8: 3 parking spaces per classroom	29
Adult Education Bldg E	12,672 s.f.	120 adult students + 5,760 s.f. of classroom + 9 employees	1 space for 21 s.f. of open area or seating area plus 1 space per employee	129
* Sabercats Bldg "F" & "G"	5,598 s.f.	45 players/staff	1/180 square feet	31
Proposed Private School Uses – School of Choice (6-12 grade) & Pre-School (28 students) (Additional school at night & Church on weekend not included) Bldg D & E	4,100 s.f.	45 students (6 th -12 th grade) & 4 teachers + 28 pre-school students & 3 teachers	1 space per 4 students (6 th -12 th) + 1 space per 14 students (pre-school) + 1 per employee	21
				Minimum of 263 spaces Required
			Mon.-Fri. 8 a.m.-2 p.m.	260 spaces Provided 24 Space Deficiency

* Sabercats football team will no longer occupy the site after July of this year

The chart reflects a 3 space deficiency during peak hours of the site (Monday through Friday during 8am to 2-pm). In 2003, a private school, which is no longer present, indicated a 33 space deficiency. As noted previously, more parking spaces would also be available in July due to the departure of the Sabercats at the site. The applicant has indicated that much of the students of the site would be carpooling and only a few spaces would be needed for employees or teachers. More discussion is included in the "Compliance with Development Standards" section of this report.

The required parking for the Dynasty Academy is indicated in Attachment 5. The site provides sufficient parking during the hours of 3:30 to 6:00pm when this use would occur.

Gospel Church

On Sundays and various evenings, the proposed church (Gospel Church) use would occupy a 1,900 square foot room in Building E. Based on Sunnyvale Municipal Code Section 19.46.050, this use would be considered a "Places of Assembly." Therefore; the site is required to provide 1 space per 3 fixed seats, plus 1 space per 21 square feet, plus 1 space per employee. The applicant has indicated that no more 50 parishioners would attend (currently 30 parishioners). Since there is no designated seating area, the parking could be evaluated based on the 1 per 21 square feet. The site would necessitate 91 spaces for the church use. On the weekends and evenings, the site would provide ample parking for the use as school uses do not occur during these times. At these times, parking spaces may be utilized by adult soccer leagues. Approximately 100 spaces would be needed for this use. The required 91 parking spaces may not be considered realistic based the maximum parishioners that are indicated in the applicants' project description. Nevertheless, the site provides enough parking during this use. If expansion of the church use is proposed at a future date, Condition of Approval #1F, requires review and approval through an Administrative Hearing.

Due to past concerns with parking in the area, staff has included Condition of Approval #1G to ensure existing and proposed tenants of the site are aware of these issues and direct users to on-site designated areas for parking.

Compliance with Development Standards/Guidelines: The proposed project complies with all development standards with the exception of parking as noted in the staff report. The parking analysis includes required parking for the Sabercats football team which will no longer operate at the site in July, therefore; a parking deficiency will no longer exist. The applicant and owner will work with students and parents to ensure that circulation for drop-off and pick up areas are located appropriately on the site. Similar to the previous proposal in 2003, the City's Transportation Division shall review a circulation plan, per Conditions of Approval #1H. Future uses of the site would be subject to review by the Planning Division through the appropriate permit process. A circulation and parking analysis shall be considered for each proposal.

Expected Impact on the Surroundings: The proposed private school and church use should not increase traffic impacts to the site. No modifications are proposed to the site that would cause any increased visual impact to the neighboring properties. Intermittent drop-off of students would occur before and after school. Per the Conditions of Approval, the current use should not cause a negative traffic and circulation impact to the site or surrounding uses.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 199 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

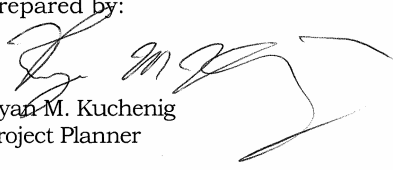
Alternatives

1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1.

Prepared by:


Ryan M. Kuchenig
Project Planner

Reviewed by:


Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter/Justifications from the Applicant
- E. Weekday Parking Demand for the Site.

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Policy C4.3 - *Consider the need of business as well as residents when making land use and transportation decisions*

Land Use and Transportation Element Policy N1.14 - *Support the provision of a full spectrum of public and quasi-public services that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have a beneficial effects on the surrounding area*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project meets the following policies.

The proposed private school is a desirable use for the City and will provide an alternative service to residents that are not currently being provided by public schools. The proposed private school will be appropriately located in a facility that was previously used for a similar purpose.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The project does not propose any site or building improvements that would alter the visual impact to the surrounding neighborhood. The previous use of this building was a school use with a higher parking requirement, so the change of use minimizes the neighborhood impact. Staff has determined that there would be no significant impacts to the surrounding properties, including traffic impacts.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Obtain Building Permits prior to construction.
- B. The conditions of approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Use Permit shall expire if the use is discontinued for a period of one year or more.
- D. Hours of operation shall be limited to the following hours:
 - School of Choice - Monday through Friday: 8:00 a.m. to 3:00 p.m.
 - Preschool – Monday through Friday: 8:00am to 5:00pm
 - Dynasty Academy – Monday through Friday: 3:30pm to 6:00pm
 - Gospel Church – Thursdays: 7:00pm to 8:30pm, Sundays: 11am-1:00pm & 6:00pm – 8:00pm
- E. The permit is for private school grades 6 through 12 (45 students), private school (10 students), preschool (28 students), and church use (50 parishioners). Any major site plan and architectural modifications or changes to the use shall be treated as an amendment to the original Use Permit and shall be subject to approval at a public hearing, except minor changes of the original approved plans may be approved administratively by the Director of Community Development.
- F. Any increase above the maximum 50 parishioners allowed for the church use shall require separate review and approval through an Administrative Hearing.
- G. Parking for the proposed uses shall remain on-site in designated parking areas. The Santa Clara Unified School District shall educate and work with existing and future tenants to ensure parking does not spread to public sidewalk areas

- H. Submit a plan indicating locations for drop off and pick up of students for review by the City's Transportation Division prior to use of the site.
- I. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.
- J. Signs require a separate sign permit.

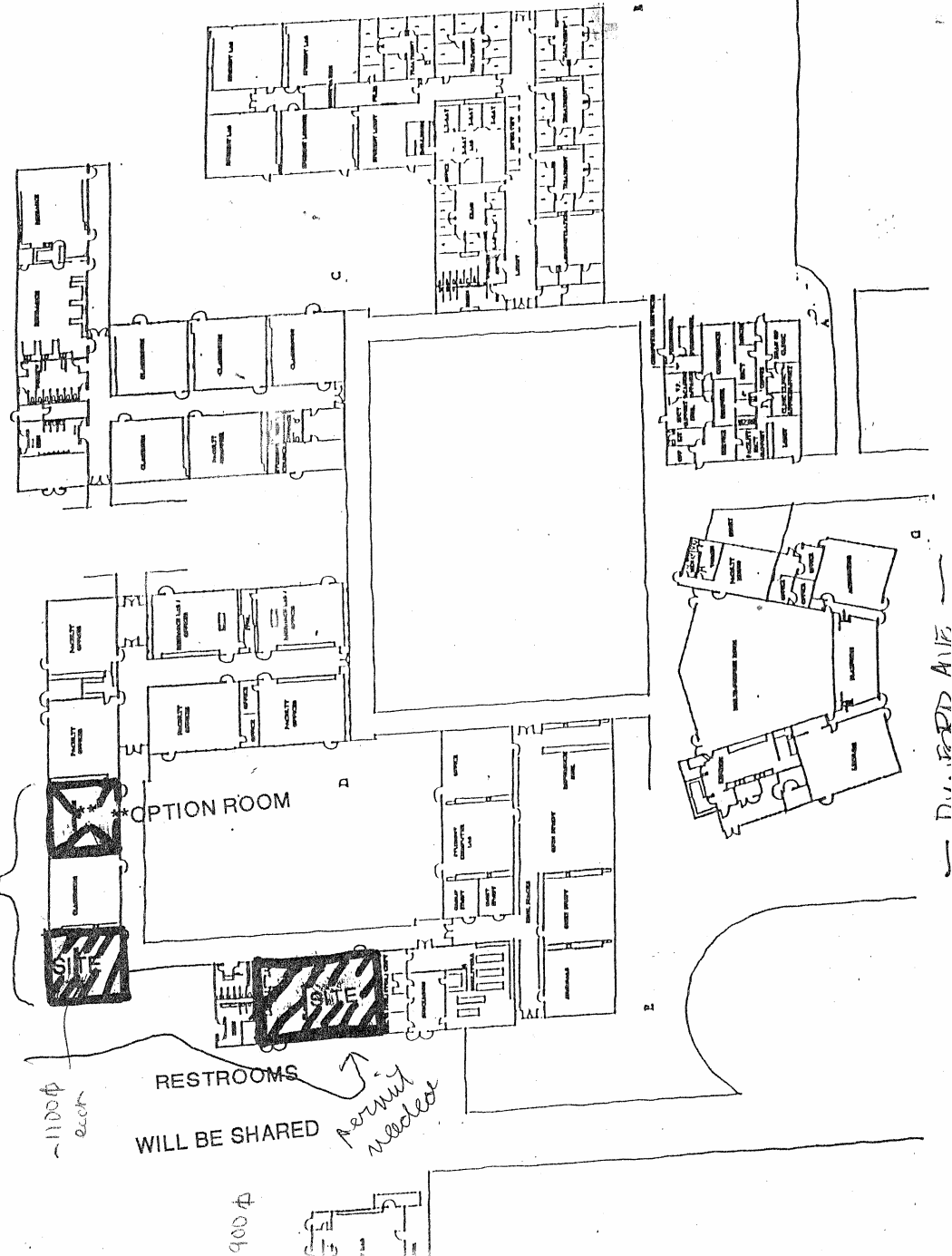
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"THE SITE"

ATTACHMENT C

Page 1 of 2

Permit needed
for these rooms



**Justifications for a Use Permit for
The Patrick Henry School Campus
The School of Choice and the Gospel Church**

This application has been revised on May 8, 2005. Roger Barnes, the official applicant, represents the Santa Clara School District. He will be our landlord.

Goals:

The School of Choice and the Gospel Church have been awarded a contract by the Santa Clara School District to lease two rooms at the former Patrick Henry Middle School. The School of Choice is a partnership owned by Robert and Suzanne Arne. Heshimu Colar is Pastor of the Gospel Church, a non-profit corporation. We are asking for pre-approval for two additional rooms that we may occupy. If it does not harm our own permit application, we wish to sublease space to two other organizations: a pre-school run by Ronit Waissman and an afterschool tutoring service called the Dynasty Academy. Such uses will benefit not only the students of these schools and the parishioners of the church, but also the Santa Clara School District, which is hard-pressed for additional funding. We seek a permit now to begin operations this summer.

Property Defined:

The enclosed site plan shows property at 1095 Dunford Way in Sunnyvale, CA. 94087. The Gospel Church would share the building marked E with the School of Choice and the Dynasty Academy. The School would occupy only one of the three rooms in the D wing immediately. We have purchased an option to lease a second room if our business expands enough to justify it; we will exercise this option so that Mr. Waissman's preschool can begin operations in the D building room closest to the restrooms. We also wish to be able to trade rooms with an existing Kindergarten in the middle room if this Kindergarten should be willing. Such a trade would consolidate the three rooms into a contiguous pattern. We ask for permits on all of these rooms so that we do not have to go back to you again, but know that we will use only two rooms immediately and could, at most, use three later.

History of Usage:

These rooms (In sections marked D and E on the site plan) have been used in the past by the Palmer Chiropractic College and the Patrick Henry Middle School. The Santa Clara County Office of Education used all the rooms, D7, D8, D9 and the E wing room for their high school program. The Church of Light used the E wing room for a church—the room intended for the Gospel Church. Palmer Chiropractic College used all the classrooms for their college. A Montessori pre-school operates on the Patrick Henry site. And the Santa Clara Unified School District used all the classrooms for their Patrick Henry Middle School.

Use of Premises: Let's consider the uses to be made by each of the four enterprises:

School of Choice uses:

The School of Choice has had an average enrollment of about fifteen full time students over each of the past three years. We have specialized in education for gifted and motivated students (who may still have special education needs). We would use the space for teaching and administration. The economy is not expanding quickly enough to give us any expectation of rapid growth. For this reason, we believe that the E building's capacity of about 30 students and three staff members plus one D wing's capacity of about 15 students and one teacher should serve our needs completely. We would like to be able to add in another 15 students and one teacher if we exercise the option on the other D wing room. This usage—less than that of the public middle school and private high school that preceded us—should be well under building capacity. (We take pride in small classes.)

Gospel Church uses:

The Gospel Church would use the space for its principal service on Sunday mornings and for smaller services in the evenings. The congregation currently amounts to about thirty persons on any given Sunday and about ten in the evenings. Chairs might be available for fifty parishioners. The church would not lease a single classroom if it expected rapid growth. Some space might be used for church administration in the week. The church would use space formerly used by the Church of Light.

Uses for Ronit Waissman and his preschool:

I like to submit some basic guidelines for usage of this area. Room D, closest to the restrooms, will be used as a pre-school area. The facility will be open between 8:00 and 5:00. The number of kids present will be no more than 28.

We do need the fenced area that is attached to the nearest "D" room. To allow kids easier access to this area, we would like an open door on the side of the building and not have to go around the building. At the end of the rental period, we will close this door. Currently this area is non-maintained, we will convert this area to make a simple playground for kids that will be easily removed at the end of the rental period

We will need three parking spaces for teachers and five parking spaces for dropping off kids. The school will require access to rest rooms that located across the room. Currently we have started the process to get a license for this.

Dynasty Academy Uses:

Di Hong, owner of Dynasty Academy, would like to use classroom E for after-school tutoring from 3:30 p.m. to 6:00 p.m. Mondays through Fridays. I have ten students, aged

from seven to nine. All my students and I will come in and leave the school in one van, so I will need just one parking spot.

Handicapped Access:

The school property is surrounded by parking places on all sides, some of which are handicapped accessible. The rooms are all on the ground floor with wide doors: they are wheelchair accessible completely. There are accessible boys' and girls' bathrooms at the end of the E building, right between our classrooms.

Construction:

None would be needed for the School of Choice, the Gospel Church or Dynasty Academy. The E building has interior walls existing, and we are satisfied with their current position. The D building rooms have no interior walls. Mr. Waissman would like permission to add an exterior door to the building D room closest to the restrooms. We all will need some signage on the side of the buildings but without bothering the neighbors.

Environmental impact, parking and roadways:

Schools and churches produce no pollution and little truck traffic.

Our school should have minimal impact on the neighborhood. Only one of our students currently drives or parks her own car. The owners commute together. Parking which surrounds this campus should be sufficient for everyone. Roger Barnes of the Santa Clara School District tells us that there are over three hundred parking places and that more will appear when, this June, the Sabercats remove their tent. We currently open at 8:30 and close school at 3:00. About ten parents show up intermittently to pick up the fifteen students, causing no noticeable traffic problem. The Patrick Henry site allows for parents to drop off and approach the school from many directions to avoid traffic jams.

The Gospel Church would use the parking mostly on Sunday mornings, when all of the schools are empty. This would give hundreds of parking places to a congregation of about thirty.

Ron Waissman's preschool would operate between 8:00 and 5:00; parents would drop off and pick up children.

The Dynasty Academy would operate only between 3:30 and 6:00 in the afternoons, off peak hours. They currently drive all twelve of their students to class in a single van.

Both the church and the school are willing to vary their hours of operation somewhat to lessen impact upon the neighborhood, should that prove useful.

Conclusion:

Similar organizations have used the facilities of the school and church in the past, so little change in use is expected. Neither the school nor the church is large enough to have a noticeable impact upon the neighborhood and the small amount of leased property would not allow them to grow large enough to cause much impact. They would not "impair either the orderly development of, or the existing uses being made of, adjacent properties."

Our use is also consistent with Sunnyvale's stated goals:

C1: to "PRESERVE AND ENHANCE AN ATTRACTIVE COMMUNITY, WITH A POSITIVE IMAGE AND A SENSE OF PLACE, THAT CONSISTS OF DISTINCTIVE NEIGHBORHOODS, POCKETS OF INTEREST, AND HUMAN-SCALE DEVELOPMENT.

C4.1.2 Encourage businesses that provide a range of job opportunities.

C4.1.3 Promote commercial uses that respond to the current and future retail service needs of the community.

Allowing us a permit would assist our students, parishioners, teachers and parents as it helps the public schools to lease unused space.

Sincerely,

Robert and Suzanne Arne, Headmasters, *The School of Choice*, 3800 Blackford Ave. San Jose, CA. 95117. (408) 887-5108

Heshimu Colar, Minister, *The Gospel Church*, (408) 279-1704

Ronit Waissman, 737 Glencoe Ct., Sunnyvale, Ca, 94087 (408) 245-3091

Di Hong, Director, *Dynasty Academy*, 1144 Huntingdon Drive, San Jose, CA. 95129 (408) 255-5437 or (408) 806-8706.

**FORMER PATRICK HENRY SCHOOL SITE
CURRENT TENANT
HOURS OF OPERATION & ON-SITE PARKING REQUIREMENTS
Monday through Friday**

HOURS	6-8 a.m.	7-8 a.m.	8-9 a.m.	9-10 a.m.	10-11 a.m.	11 a.m.-12 p.m.	12-1 p.m.	1-2 p.m.	2-3 p.m.	3-4 p.m.	4-5 p.m.	5-6 p.m.	6-7 p.m.
		Apple-53	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	Apple-53 SVM -29	
			Adult-129	Adult-129	Adult-129	Adult-129	Adult-129	Adult-129					
			SofC-16	SofC-16	SofC-16	SofC-16	SofC-16	SofC-16	SofC-16				GC-
	Saber-31	Saber-31	Saber-31	Saber-31	Saber-31	Saber-31	Saber-31	Saber-31					
			PRE-5	PRE-5	PRE-5	PRE-5	PRE-5	PRE-5	PRE-5	PRE-5	PRE-5		
										St. L-30	St. L-30	Soccer-30	Soccer-30
Req. Parking	31	84	263	263	263	263	263	263	103	107	137	112	30
Avail. Parking *	+229	+176	3	3	3	3	3	3	+57	+153	123	+148	+230

***260 off-street parking spaces available at the Former Patrick Henry School Site**

TENANT LEGEND

Apple: Apple Seed Private School
SVM: Silicon Valley Muslim Private School
Adult: Adult Education
Saber: Saber Cats Football (no longer at site after June)
St. L: St. Lawrence High School Football Practice
Soccer: Adult Soccer League (twice a week)
SofC: School of Choice
Dyn: Dynasty Academy
PRE: Pre-School
GC: Gospel Church